

a coherent National Agriculture and Food Defense Strategy consistent with our national emergency management plans.

As Congress has already provided in other areas, the national food security strategy would address preparedness, mitigation, response, and recovery. Its provisions for stockpiling veterinary supplies and establishing a plant-disease recovery program would add vital new Federal capabilities. Coordination of Federal food security budget activity and outreach State, local, and private sector stakeholders are also important features of the bill.

In light of the gravity of the threat to our food security and this measure's thoughtful and promising response to that threat, I encourage my colleagues to support expeditious action on this bill.

By Mr. LEAHY (for himself, Mr. CRAIG, Mr. BINGAMAN, and Mr. ROBERTS):

S. 1806. A bill to restore to the judiciary the power to decide all trademark and trade name cases arising under the laws and treaties of the United States by repealing the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, and commercial names and impediments to registration of such marks, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to introduce a bill to correct a most unfortunate piece of legislation that was slipped into an appropriations bill several years ago, which will restore the Federal courts to their proper position in considering certain trademark issues. I joined Senator CRAIG, Senator BINGAMAN, and Senator ROBERTS on a version of this bill in the 109th Congress. That bill did not reach final passage, but its importance demands our renewed attention. Together, we are reintroducing the Judicial Powers Restoration Act of 2007.

We will repeal Section 211 of the Omnibus Appropriations Bill of 1999. Section 211 was slipped into that appropriations bill at the eleventh hour, under the radar of most members of the Senate. It was done in a way specifically intended to bypass the normal legislative process. Its intent was to affect the outcome of a dispute over the "Havana Club" trademark for rum. Section 211 prohibits the registration or renewal of registration of a trademark of a business that was expropriated by the Cuban Government. It also disallows "any assertion of rights" by Cuban entities, or a foreign successor in interest to a Cuban entity, with respect to trademarks of expropriated businesses. Finally, the provision states that no U.S. Court may recognize the attempt by a Cuban entity or its successor in interest, from asserting treaty rights with respect to an expropriated mark unless the owner expressly consents.

I am not here to help out a liquor company. Rather, I am here to ensure

that intellectual property protections recognized by our laws are honored in our courts. I am here to ensure that U.S. courts may consider trademark cases arising under U.S. laws. Most importantly, I am here because the legislative process needs to take place in the open and in front of the people, not under cover of darkness and behind closed doors.

I have been working with Senator CRAIG, Senator BINGAMAN, and Senator ROBERTS for more than three years on this issue, and I hope we can move quickly to pass this bipartisan legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1806

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Judicial Powers Restoration Act of 2007".

#### SEC. 2. PURPOSE.

The purpose of this Act is to restore to the judiciary the power to decide all trademark and trade name cases arising under the laws and treaties of the United States by repealing the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, and commercial names and impediments to registration of such marks.

#### SEC. 3. REPEAL.

(a) IN GENERAL.—Section 211 of the Department of Commerce and Related Agencies Appropriations Act, 1999 (as contained in section 101(b) of division A of Public Law 105-277; 112 Stat. 2681-88) is repealed.

(b) REGULATIONS.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Treasury shall issue such regulations as are necessary to carry out the repeal made by subsection (a), including removing or revoking any prohibition on transactions or payments to which subsection (a)(1) of section 211 of the Department of Commerce and Related Agencies Appropriations Act, 1999 applied.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2270. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2271. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2272. Mr. WEBB (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2273. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2274. Mr. DODD (for Mr. LEVIN (for himself, Mr. REED, Mr. SMITH, Mr. HAGEL, Mr.

KERRY, Ms. SNOWE, Mr. BIDEN, Mr. OBAMA, and Mrs. CLINTON) proposed an amendment to the bill H.R. 1585, supra.

SA 2275. Mr. LEVIN (for himself, Mr. REED, Mr. SMITH, Mr. HAGEL, Mr. KERRY, Ms. SNOWE, Mr. BIDEN, Mr. OBAMA, and Mrs. CLINTON) proposed an amendment to amendment SA 2274 proposed by Mr. DODD (for Mr. LEVIN (for himself, Mr. REED, Mr. SMITH, Mr. HAGEL, Mr. KERRY, Ms. SNOWE, Mr. BIDEN, Mr. OBAMA, and Mrs. CLINTON)) to the bill H.R. 1585, supra.

SA 2276. Mr. KOHL (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2277. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2278. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2279. Mr. ENSIGN (for himself, Mr. COLEMAN, and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2280. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 2165 submitted by Mr. BOND (for himself and Mr. LEAHY) and intended to be proposed to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2281. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2282. Mr. CHAMBLISS (for himself, Mr. COLEMAN, Mr. ISAKSON, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2283. Mr. BAUCUS (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2284. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2285. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2286. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2287. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2288. Mrs. BOXER (for herself, Mr. LIEBERMAN, Mr. HARKIN, Mr. OBAMA, and Mr. KENNEDY) submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2289. Mrs. BOXER (for herself, Ms. SNOWE, Mrs. LINCOLN, Mr. KERRY, Mr. ROCKEFELLER, Mr. SCHUMER, Mr. BINGAMAN, Mr. FEINGOLD, and Mr. CASEY) submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2290. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2291. Ms. CANTWELL (for herself, Mrs. MURRAY, Mr. CRAIG, and Mr. CRAPO) submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2292. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2293. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 1585, *supra*; which was ordered to lie on the table.

SA 2294. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 1585, *supra*; which was ordered to lie on the table.

SA 2295. Mr. BOND (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, *supra*; which was ordered to lie on the table.

SA 2296. Mr. BOND (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, *supra*; which was ordered to lie on the table.

SA 2297. Mr. BOND (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, *supra*; which was ordered to lie on the table.

SA 2298. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 1585, *supra*; which was ordered to lie on the table.

SA 2299. Ms. SNOWE (for herself and Mr. KERRY) submitted an amendment intended to be proposed by her to the bill H.R. 1585, *supra*; which was ordered to lie on the table.

SA 2300. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 1585, *supra*; which was ordered to lie on the table.

SA 2301. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 1585, *supra*; which was ordered to lie on the table.

SA 2302. Mr. DEMINT (for himself, Mr. INHOFE, and Mr. T4Coburn) submitted an amendment intended to be proposed by him to the bill H.R. 1585, *supra*; which was ordered to lie on the table.

SA 2303. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1585, *supra*; which was ordered to lie on the table.

SA 2304. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 1585, *supra*; which was ordered to lie on the table.

SA 2305. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 1585, *supra*; which was ordered to lie on the table.

SA 2306. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 1585, *supra*; which was ordered to lie on the table.

SA 2307. Mr. ENZI (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill H.R. 1585, *supra*; which was ordered to lie on the table.

SA 2308. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 1585, *supra*; which was ordered to lie on the table.

SA 2309. Mr. BIDEN (for himself, Mr. DODD, and Mrs. T4Dole) submitted an amendment intended to be proposed by him to the bill H.R. 1585, *supra*; which was ordered to lie on the table.

SA 2310. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 1585, *supra*; which was ordered to lie on the table.

SA 2311. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1585, *supra*; which was ordered to lie on the table.

SA 2312. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 1585, *supra*; which was ordered to lie on the table.

SA 2313. Mr. HATCH (for himself and Mr. CRAPO) submitted an amendment intended to

be proposed by him to the bill H.R. 1585, *supra*; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 2270.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, add the following:

##### **SEC. 115. M4 CARBINE RIFLE.**

(a) FINDINGS.—Congress makes the following findings:

(1) The members of the Armed Forces are entitled to the best individual combat weapons available in the world today.

(2) Full and open competition in procurement is required by law, and is the most effective way of selecting the best individual combat weapons for the Armed Forces at the best price.

(3) The M4 carbine rifle is currently the individual weapon of choice for the Army, and it is procured through a sole source contract.

(4) The M4 carbine rifle has been proven in combat and meets or exceeds the existing requirements for carbines.

(5) In recent months, government testing and surveys of commercially available small arms have identified alternative rifles and carbines that, like the M4 carbine, meet or exceed existing performance and maintenance requirements for the Armed Forces.

(6) The Army Training and Doctrine Command is conducting a full Capabilities Based Assessment (CBA) of the small arms of the Army which will determine whether or not gaps exist in the current capabilities of such small arms and inform decisions as to whether or not a new individual weapon is required to address such gaps.

(b) REPORT ON CAPABILITIES BASED ASSESSMENT.—Not later than August 31, 2007, the Secretary of the Army shall submit to the congressional defense committees a report on the Capabilities Based Assessment of the small arms of the Army referred to in subsection (a)(6).

(c) COMPETITION FOR NEW INDIVIDUAL WEAPON.—

(1) COMPETITION REQUIRED.—In the event the Capabilities Based Assessment identifies gaps in the current capabilities of the small arms of the Army and the Secretary of the Army determines that a new individual weapon is required to address such gaps, the Secretary shall procure the new individual weapon through one or more contracts entered into after full and open competition described in paragraph (2).

(2) FULL AND OPEN COMPETITION.—The full and open competition described in this paragraph is full and open competition among all responsible manufacturers that—

(A) is open to all developmental item solutions and nondevelopmental item (NDI) solutions; and

(B) provides for the award of the contract or contracts concerned based on best weapon performance in light of the capabilities identified to be required in the Capabilities Based Assessment.

(d) TERMINATION OF SOLE SOURCE CONTRACT FOR M4 CARBINE RIFLE.—In the event the Capabilities Based Assessment does not identify gaps in the current capabilities of the small arms of the Army or the Secretary of

the Army determines not to procure a new individual weapon to address such gaps, the Secretary shall—

(1) terminate the sole source contract for the M4 carbine rifle effective June 1, 2009; and

(2) satisfy all current requirements for the carbine as of that date through one or more contracts entered into thereafter after full and open competition.

**SA 2271.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

##### **Subtitle D—Advancement of International Security Through Partnerships**

##### **SEC. 1251. BUILDING OF CAPACITY OF FOREIGN MILITARY AND SECURITY FORCES TO CONDUCT COUNTERTERRORISM AND OTHER OPERATIONS CONSISTENT WITH THE SECURITY INTERESTS OF THE UNITED STATES.**

(a) BUILDING OF CAPACITY.—

(1) IN GENERAL.—Chapter 20 of title 10, United States Code, as amended by section 1201 of this Act, is further amended by adding at the end the following new section:

##### **“§409. Building of capacity of foreign military and security forces to conduct counterterrorism and other security operations**

“(a) IN GENERAL.—The Secretary of Defense may, with the concurrence of the Secretary of State, carry out programs to build the capacity of the national military forces and other security forces (including the gendarmerie, constabulary, internal defense, infrastructure protection, civil defense, homeland defense, coast guard, border protection, and counterterrorism forces) of a foreign country in order for that country to—

“(1) conduct counterterrorist operations; or

“(2) participate in or support military and stability operations that are consistent with the security interests of the United States.

“(b) SCOPE OF AUTHORITY.—(1) A program authorized by subsection (a) may be carried out by grant or other appropriate mechanism, and may include the provision of equipment, supplies, and training, and minimal construction incidental to the provision of equipment.

“(2) In carrying out a program authorized by subsection (a), the armed forces may participate in training activities authorized by section 2011 of this title in a foreign country where training pursuant to such section is ongoing.

“(c) REQUIRED ELEMENTS.—Any program carried out under subsection (a) shall include elements that promote—

“(1) the observance of and respect for human rights and fundamental freedoms; and

“(2) respect for legitimate civilian authority within the foreign country concerned.

“(d) AVAILABILITY OF FUNDS.—(1) Funds available to the Department of Defense shall be available for carrying out programs authorized by subsection (a).

“(2) The total amount of funds that may be utilized under this subsection in any fiscal year for programs authorized by subsection (a) may not exceed \$750,000,000.

“(3) Amounts available for the authority in subsection (a) for a fiscal year may be used